

predetermined breaking point (36) and stress-controlling elements (46), the stress controlling elements being arranged to increase on the predetermined breaking point (36) a stress in the base (12) in an impact with the windshield wiper device (10) to cause the predetermined breaking point (36) to one of bend and break off completely.

As again acknowledged by the Examiner, neither Metz nor Rapp discloses a wiper device including a predetermined breaking point. As discussed during the Interview, Applicants submit that there is nothing in Metz or Rapp to teach or suggest adding such a predetermined breaking point. To the contrary, the cast plate 16 of Metz and the wiper mounting 10 of Rapp appear to be constructed to avoid breaking.

The Examiner again relies upon Masuda for the disclosure of a predetermined breaking point. Masuda discloses a motor bracket 17 including a fixing section 17a for fixing the bracket 17 to a vehicle body. An elliptical hole 17b is formed between the fixing section 17a and the wiper motor 13. Weak points 17c form side sections of the elliptical hole 17b. If a force is applied to the wiper motor 13, the weak points 17c rupture.

The Examiner contends that it would be obvious to modify the cast plate 16 of Metz or the wiper mounting 10 of Rapp to include the elliptical hole 17b with weak points 17c of Masuda. Applicants again respectfully disagree. There is no teaching or suggestion in Metz or Rapp to provide a predetermined breaking point in or to weaken the cast plate 16 or the wiper mounting 10, respectively, in any way. As discussed during the Interview and as mentioned above, the cast plate 16 of Metz and the wiper mounting 10 of Rapp appear to be constructed to avoid breaking. Applicants submit that, for at least these reasons, Metz and Rapp teach away from the modification proposed by the Examiner.

The Examiner then contends that any structure shown in Metz or in Rapp could provide the claimed stress-controlling elements. Applicants also again respectfully disagree with this contention. As discussed during the Interview, without a predetermined breaking point in either Metz or Rapp, there is no reason that any structure of Metz or Rapp would provide a stress controlling element arranged to increase on a predetermined breaking point a stress in the base in an impact with the windshield wiper device to cause the predetermined breaking point to one of bend and break off completely. Applicants submit that it would be detrimental to provide such stress controlling elements in the cast plate 16 of Metz or in the wiper mounting 10 of Rapp as such stress controlling elements could cause unwanted failure of the cast plate 16 of Metz or of

the wiper mounting 10 of Rapp. Applicants submit that the structures of Metz and Rapp appear to provide uniform stress on the cast plate 16 of Metz or on the wiper mounting 10 of Rapp. Accordingly, Applicants submit that this contention is mere hindsight.

In summary, none of the cited references teaches a windshield wiper device with both predetermined breaking points and stress-controlling elements. Moreover, none of the cited references teaches that the stress controlling elements are arranged to increase on a predetermined breaking point a stress in the base in an impact with the windshield wiper device to cause the predetermined breaking point to one of bend and break off completely. Finally, Metz and Rapp actually teach away from the combination proposed by the Examiner.

For at least these independent reasons, Metz, Rapp and Masuda, alone or in combination, do not teach or suggest the subject matter defined by independent claim 1. Accordingly, claim 1 is allowable. Dependent claims 2-6, 8-12 and 14-21 and new dependent claim 22 depend from independent claim 1 and are allowable for at least the same and other independent reasons.

### **CONCLUSION**

In view of the foregoing, Applicants respectfully request entry of the present Amendment and allowance of claims 1-6, 8-12 and 14-22.

If additional consultation will further prosecution, the undersigned is available during normal business hours at the below-identified telephone number.

Respectfully submitted,

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